

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TODD JOHNSON,

Plaintiff,

-against-

GEORGE D. SILVA, ESQ.; BISOGNO AND  
MICHAEL C. MEYERSON, LLP; LAW  
OFFICE OF DENNIS C. BARTLING; KELLY,  
RODE, AND KELLY, LLP; GUMO LLC;  
PICCIANO AND SCAHILL, PC; MOLOPSITZ  
AND DESANTIS, P.C.,

Defendants.

21-CV-5671 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, submitted this action with an incomplete request to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”). Because it was unclear whether Plaintiff had sufficient funds to pay the filing fees for this action, the Court was unable to make a ruling on Plaintiff’s IFP application. By order dated July 1, 2021, the Court directed Plaintiff, within thirty days, to either pay the \$402.00 in fees required to file a civil action in this Court, or submit an amended IFP application to provide information to establish that he is unable to pay the filing fees. That order specified that failure to comply would result in dismissal of the complaint.

On July 13, 2021, Plaintiff submitted an amended IFP application with the same deficiencies as in his original IFP application. In question 2, Plaintiff checks the box indicating that he is not presently unemployed, but he fails to answer the questions regarding his last date of employment and his gross monthly wages at the time. In question 3, Plaintiff checks the boxes indicating that he does not receive income from any of the listed sources, but he does not provide an answer in response to the question asking him to explain how he pays his expenses. In

question 6, Plaintiff also fails to detail his housing, transportation, utilities, or other monthly expenses. Plaintiff's amended IFP application fails to supply sufficient information explaining any sources of income and how Plaintiff pays his expenses, and therefore it remains unclear whether Plaintiff has sufficient funds to pay the filing fees for this action. Because Plaintiff failed to comply with the Court's July 1, 2021 order, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 21, 2021  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge